

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MARTIN	)	CASE NO.
COUNTY WATER DISTRICT FOR AN	)	2018-00017
ALTERNATIVE RATE ADJUSTMENT	)	

ORDER

On July 18, 2019, the Martin County Concerned Citizens, Inc. (MCCC), filed a Motion to be Included in the Upcoming Confidential Conference (Motion), requesting that MCCC's counsel and its representative(s) be allowed to attend and participate in the confidential conferences scheduled for July 29 and July 30, 2019. In support of its Motion, MCCC stated that MCCC's participation in the confidential conferences would assist the Commission because MCCC's representative, Nina McCoy, and its counsel, are familiar with the ongoing operations of Martin County Water District (Martin District) through their attendance at meetings and conversations with community members, members of the Martin District Board of Commissioners, and Martin District employees regarding the current and past conditions at Martin District. MCCC representative(s) and counsel offered to sign a confidentiality agreement. Additionally, MCCC stated in its Motion that it believes that the Commission is seeking testimony from individuals who are not privy to the ongoing contract negotiations between Martin District and the management entity to whom the contract may be awarded.

The resulting contract will be negotiated between and entered into by Martin District and the management entity to whom the contract may be awarded; and since

MCCC is not a party to the contract its request to participate in the July 29 and July 30, 2019 formal confidential conference is denied. Because Martin District has allowed MCCC's representative, Nina McCoy, to serve as one of the members of the RFP selection review committee, MCCC and its counsel have had sufficient means available to make Martin District aware of its concerns regarding the potential contract management entity through Mrs. McCoy. MCCC had the opportunity to make the Commission aware of any concerns it may have during the June 18, 2019 formal confidential conference.

While the Commission will be privy to the contract details by virtue of its jurisdiction over Martin District and in furtherance of its Order that Martin District present its decision process and proposed contract terms for review and approval by the Commission, MCCC is neither a party to the potential contract nor a party to the contract negotiation process. No individuals or parties other than the parties to the proposed contract will be permitted to attend the confidential conference.

Furthermore, the Commission finds that the subpoenas that were issued on July 17, 2019, to Linda Sumpter and Raymond Sumpter should be withdrawn. Neither Linda Sumpter nor Raymond Sumpter are required to attend the confidential conference and need not produce the requested financial documents as Jonathan Smith of White & Associates, PSC, now has the financial information needed to complete the 2016 audit.

IT IS THEREFORE ORDERED that:

1. MCCC's Motion to be Included in the Upcoming Confidential Conferences is denied.

2. The subpoenas issued July 17, 2019, to Linda Sumpter and Raymond Sumpter are hereby withdrawn.

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By the Commission

ENTERED  
JUL 24 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director *for*  
*Anna P. Peterson*

Case No. 2018-00017

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